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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/694,652	10/27/2003	Naoto Moriyama	KOY-0016	3996

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EXAMINER

SHIH, HAOSHIAN

ART UNIT	PAPER NUMBER
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2173

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/07/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/694,652	Applicant(s) MORIYAMA, NAOTO	
	Examiner Haoshian Shih	Art Unit 2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>20070301</u> <u>12-09-03</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The office action is in response to the applicant application filed on 10/27/2003
2. Claims 1-14 are pending in this application and have been examined.

Claim Rejections - 35 USC § 112

3. Regarding claim 14, "The method of claim 12" in line 1 renders the claim indefinite because claim 12 is a program claim.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 12-14 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter as follows. Claims 12-14 defines a computer program embodying functional descriptive material. However, the claim does not define a computer-readable medium or memory and is thus non-statutory for that reason (i.e., "When functional descriptive material is recorded on some computer-readable medium it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized"- Guidelines Annex IV). That is, the scope of the presently claimed computer

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program can range from paper on which the program is written, to a program simply contemplated and memorized by a person. The examiner suggests amending the claim to embody the program on "computer-readable medium" or equivalent in order to make the claim statutory. Any amendment to the claim should be commensurate with its corresponding disclosure.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. **Claims 1, 5, 9 and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Kanada (US 6,954,767 B1).**

8. As to INDEPENDENT claim 1, Kanada discloses a medical image terminal device comprising: a receiving section to receive identification information (col.16, lines 5-8; "examination order information") of a patient to be radiographed and radiographing order information including information regarding radiography (col.14, lines 11-20); a storage section (fig.1, "17", "18"; "image archiving apparatus") to store the radiographing order information received (col.8, lines 6-7; "examination order"); an input section to

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input the identification information of the patient in (col.9, lines 54-63; col.16, lines 5-8; information such as patient ID can be inputted); and a display control section (col.9, lines 38; "medical image display system")to obtain the radiographing order information stored in the storage section based on the identification information of the patient input and display the radiographing order information on a display section (col.14, lines 11-20; col. 9, lines 60-62; results such as radiographing order information is sent back).

9. As to INDEPENDENT claim 5, Kanada discloses a medical image radiographing system comprising: an information management apparatus to manage identification information of a patient to be radiographed and radiographing order information including information regarding radiography (col.12, lines 6-10), and a medical image terminal device connected to the information management apparatus through a network (col.9, lines 39-45, "workstation", "medical server"), wherein the information management apparatus comprises a transmitting section to transmit the radiographing order information (fig.1 "17", "18"; col.5, lines 5-6; image acquisition means for acquiring an image from the archiving apparatus), the medical image terminal device comprises: a receiving section to receive radiographing order information (col.14, lines 17-20); a storage section (fig.1, "17", "18"; "image archiving apparatus") to store the radiographing order information received (col.8, lines 6-7; "examination order"); an input section to input the identification information of the patient in (col.9, lines 54-63; col.16, lines 5-8; information such as patient ID can be inputted); and a display control section (col.9, lines 38; "medical image display system")to obtain the radiographing order information

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stored in the storage section based on the identification information of the patient input and display the radiographing order information on a display section (col.14, lines 11-20; col. 9, lines 60-62; results such as radiographing order information is sent back).

10. As to INDEPENDENT claim 9, Kanada discloses a display control method comprising: receiving identification information (col.16, lines 5-8; "examination order information") of a patient to be radiographed and radiographing order information including information regarding radiography (col.14, lines 11-20); storing the radiographing order information received (col.8, lines 6-7; "examination order"); obtaining the radiographing order information stored based on the identification information of the patient input; and displaying the radiographing order information obtained on a display section (col.14, lines 11-20; col. 9, lines 60-62; results such as radiographing order information is sent back).

11. As to INDEPENDENT claim 12, Kanada discloses a program, when the program is loaded onto a medical image terminal device to control display, the program making the medical image terminal device execute: receiving identification information (col.16, lines 5-8; "examination order information") of a patient to be radiographed and radiographing order information including information regarding radiography (col.14, lines 11-20); storing the radiographing order information received (col.8, lines 6-7; "examination order"); obtaining the radiographing order information stored based on the

identification information of the patient input; and displaying the radiographing order information obtained on a display section (col.14, lines 11-20; col. 9, lines 60-62; results such as radiographing order information is sent back).

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 2-3, 6-7, 10 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kanada in view of Chung (US 2002/0095424 A1).

14. As to claim 2 and 6, Kanada discloses information obtained is radiographic order information (col.14, lines 17-19; col. 9, lines 60-63; a search request of a patient would result in information about the patient such as radiographic order information). Kanada does not disclose when there are a plurality of information obtained based on the identification information of the patient, displays the plurality of information as a list on the display section.

In the same field of endeavor, Chung discloses the display control section, when there are a plurality of information obtained based on the identification information of the

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patient, displays the plurality of information as a list on the display section ([0018], fig. 5, "26", "60"; additional information about a patient is displayed as a list).

It would have been obvious to one of ordinary skill in the art, having the teaching of Kanada and Chung before him at the time the invention was made, to modify the radiographic information system taught by Kanada to include patient data tracking device taught by Chung with the motivation being to allow the user an organized way to glance at a sorted list of patient information ([0018]; [0028], lines 7-8).

15. As to claims 3 and 7, Kanada does not disclose the device is a carriageable portable terminal device.

In the same field of endeavor, Chung discloses the device is a carriageable portable terminal device. ([0004], "handheld computer).

It would have been obvious to one of ordinary skill in the art, having the teaching of Kanada and Chung before him at the time the invention was made, to modify the radiographic information system taught by Kanada to include portal patient data tracking device taught by Chung with the motivation being to allow mobility and real time update in the patient information tracking field ([0058], [0056])

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16. As to claims 10 and 13 are similar to claims 2 and 6, and are rejected under same rational.

17. Claims 4, 8, 11 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kanada in view of Aonuma (US 6,762,429 B2).

18. As to claims 4 and 8, Kanada disclose when one among the radiographing order information displayed is chosen (col.14, lines 15-17). Kanada does not disclose cassette identification information is input, the device sets correspondence of the cassette identification information input to the radiographing order information chosen.

In the same field of endeavor, Aonuma discloses cassette identification information is input, the device sets correspondence of the cassette identification information input to the radiographing order information chosen (col.2, lines 7-11; a phosphor with an ID bar code is consistent with a "cassette").

It would have been obvious to one of ordinary skill in the art, having the teaching of Kanada and Aonuma before him at the time the invention was made, to modify the radiographic information system taught by Kanada to include a cassette correspondence system taught by Aonuma with the motivation being to improve the ease and efficiency of inputting of patient information (Aonuma, col.2 lines 36-39).

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19. As to claims 11 and 14 are similar to claims 4 and 8, and are rejected under same rational.

Conclusion

20. The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. 1.111(c) to consider these references fully when responding to this action.

21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Haoshian Shih whose telephone number is (571) 270-1257. The examiner can normally be reached on m-f 0730-1700.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (571) 272-4048. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HSS

TADESSE HAILU

Patent Examiner

